

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION

ALBERT EDMOND

PLAINTIFF

VS.

CIVIL ACTION NO. 2:03cv467-KS-RHW

DON LEWIS, ET AL

DEFENDANTS

ORDER

This cause came on this date to be heard upon the Proposed Findings of Fact and Recommendation of United States Magistrate Judge Robert H. Walker entered herein on March 10, 2006, after referral of hearing by this Court, no objections having been filed as to the Proposed Findings of Fact and Recommendation, and the Court, having fully reviewed the same as well as the record in this matter, and being duly advised in the premises, finds that said Proposed Findings of Fact and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Defendants' Motion to Dismiss should be denied as it relates to alleged assaults of November 25, 2002; August 18, 2002; and October 3, 2002.

IT IS FURTHER ORDERED that the Defendant may revisit at some future time the issue of whether or not the Plaintiff has exhausted his administrative remedies in accordance with 42 U.S.C. Section 1997(e). The Plaintiff is allowed to proceed on its Eight Amendment violations for the alleged assault of November 25, 2002.

SO ORDERED on this the 20th day of April, 2006.

s/ *Keith Starrett*

UNITED STATES DISTRICT JUDGE